

### REMARKS

Claim 1 has been amended to correct antecedent basis issues that would have been obvious to one of ordinary skill in the art. This amendment does not affect the scope of the claims. No new matter has been added.

Claims 1 and 8 stand rejected under 35 USC 102(b) on Luzzi (U.S. Patent No. 5,864,942). Applicants respectfully traverse this rejection.

Luzzi discloses a method for making a breaker pole comprising the following steps:

Step 1: Producing an assembly by insert molding (column 6, lines 15-40), wherein a reinforcing element 36 is placed on an internal mandrel, and a mixture of elastomere and carbon is injected into a mold to form an insert 32 (column 5, lines 40-49) that is cured under heat and pressure. The assembly is then transferred to a mold having the shape of a housing 10, and a dielectric elastomere is injected around the reinforcing element 36 and the insert 32, which are within an external support element 42. Thus, in the first step, a molded subassembly including a housing 10, a reinforcing element 36, an insert 32 and an external support element 42 is fabricated (col. 9, lines 27-48).

Step 2: Producing a contact assembly 60 and forming a second subassembly by connecting the contact assembly 60, a first end buttress 46, a link 98 and a yoke 102 to form the second subassembly.

Step 3: Assembling the first subassembly comprising the housing 10, the reinforcing element 36, the insert 32 and the external support element 42 with the second subassembly comprising the contact assembly 60, the first end buttress 46, the link 98 and the yoke 102. During this step, a filler material 80 is injected around the outside of the bottle 63 of the contact assembly 60 (col. 9, lines 48-64). The second subassembly with the filler 80 is then slid into the first subassembly until it engages. Excess filler is allowed to escape through holes 86 where it is removed manually (col. 9, lines 61-64). The filler 80 can be cured to form a solid or a semi-solid.

Step 4: Finally assembling a fixed end cap 90, including a second terminal 88, to the other elements to form a dimensionally stable complete sheath and breaker pole.

More concisely, the main steps for producing a breaker pole according to the method of Luzzi, are:

Producing a dimensionally stable subassembly (10, 36, 32, 42) and a breaker (60) independently from one another;  
injecting a filler material (80) around the breaker (60,62);  
fixing the breaker in the subassembly; and  
assembling a fixed end cap (90) to complete the dimensionally stable sheath and the breaker pole.

In contrast, claim 1 recites a method for producing a breaker pole, the method comprising “producing the breaker and the dimensionally stable sheath independently from one another; fixing the breaker in the sheath; providing the cushioning by filling the intermediate space with a fluid compensating compound; and curing the compensating compound.” These features are not disclosed or suggested by Luzzi.

Specifically, Luzzi fails to disclose or suggest “producing the breaker and the dimensionally stable sheath independently from one another” as recited in claim 1. According to the method disclosed by Luzzi, it is not possible to independently produce a dimensionally stable sheath as recited in claim 1. Instead, a filler material 80 is injected around the vacuum bottle 62 and the contact assembly is slid into the first subassembly, and it is necessary to remove excess filler before mounting the end cap 90 to the mounted first and second subassemblies, and thereby completing the breaker pole. Accordingly, a dimensionally stable sheath is not produced independently of the breaker, but is instead formed together with a breaker.

Consequently, when Luzzi's method is used, an intermediate space (e.g. between the vacuum tube and the dimensionally stable sheath) cannot be filled with a fluid compensating compound as recited in claim 1.

As disclosed in applicants' specification, when a dimensionally stable sheath 7 is formed independently in a molding process, the method for producing a breaker pole is simplified and is thus much more cost effective compared to the method disclosed by Luzzi.

Accordingly, claim 1 is allowable over Luzzi. Claim 8 depends from allowable claim 1 and is allowable due at least to its dependency.

Claims 2, 3, 6 and 7 stand rejected under 35 USC 103(a) on Luzzi. Applicants respectfully traverse this rejection. Claims 2, 3, 6 and 7 depend from allowable claim 1 and are allowable due at least to their respective dependencies.

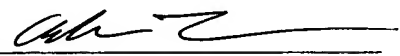
Claims 4 and 5 stand rejected under 35 USC 103(a) on Luzzi in view of Seki (U.S. Patent No. 5,698,008). Applicants respectfully traverse this rejection. Seki fails to overcome the deficiencies of Luzzi discussed above with regard to claim 1. Accordingly, claims 4 and 5, which depend from allowable claim 1, are allowable due at least to their respective dependencies.

Applicants solicit an early action allowing the claims.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicants petition for any required relief, including extensions of time, and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. 44912-2080500.

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